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OFFICE OF PETITIONS

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In re Patent No. 7,568,543
Gaukel et al.
Issue Date: August 4, 2009
Application No. 10/532,414
Filed: April 22, 2005
Attorney Docket No. 10191/3791
Title: DEVICE FOR CONTROLLING
RESTRAINING MEANS IN A VEHICLE

: DECISION ON REQUEST FOR
: RECONSIDERATION OF
: PATENT TERM ADJUSTMENT
: AND NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition filed on June 16, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred twenty-one (321) days. The May 18, 2010 decision based upon the Request for Recalculation of Patent Term Adjustment in View of Wyeth granted 159 days of patent term adjustment.

The petition to correct the patent term adjustment is **GRANTED TO THE EXTENT INDICATED**.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(a) is 0 days.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(b) is 469 days (April 23, 2008 to August 4, 2009).

The time taken up by the notice of appeal is excluded from the period of B-delay pursuant to 37 CFR 1.703(b)(4) in connection with the Notice of Appeal filed January 17, 2007. The reduction of 157 days commenced January 17, 2007; the date that the Notice of Appeal was filed, and ended June 22, 2007, the date of mailing an action under 35 U.S.C. 132. See, 37 CFR 1.703(b)(4).

Patentees' delay total 148 days.

In view thereof, the patent is entitled to an overall adjustment of 164 days.

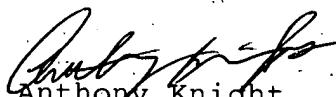
The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred sixty-four (164) days**.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.


Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,568,543 B2

DATED : August 4, 2009

DRAFT

INVENTOR(S) : Gaukel et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 321 days

Delete the phrase "by 321 days" and insert -- by 164 days--